

December 8, 2010

Gary J. Cohen, Esq.  
General Counsel  
Financial Crisis Inquiry Commission  
1717 Pennsylvania, NW, Suite 800  
Washington DC, 20066-4644

Dear Mr. Cohen:

Thank you for your letter informing us that you may quote Judge Mukasey's interview in your Report to Congress, the President, and the American public. We appreciate the notice and the opportunity to comment.

We wish to raise two issues in connection with your letter. First, you quote Judge Mukasey as stating that "national security was an overriding concern." Although Judge Mukasey did state that national security "was an overriding problem," those words were in the context of him recalling the breadth of activities that he undertook at the beginning of his term. For completeness sake, it is important to note that Judge Mukasey indicated that there were other priorities in those early days of his tenure as well, including reviewing the Office of Legal Counsel's letters relating to interrogation practices and being briefed on the entire range of civil and criminal activities that confronted the Justice Department, which he noted likely included a discussion of financial crimes such as mortgage fraud. Judge Mukasey also added that the four major priorities of his entire term were terrorism, gang-related activity, civil rights enforcement, and the Southwest border. Although he noted that mortgage fraud was not one of the four major priorities identified by the Administration, Judge Mukasey specifically stated that mortgage fraud was a priority of the Department of Justice during his tenure and noted some prominent law enforcement efforts relating to mortgage fraud during his term, including Operation Malicious Mortgage. Some of this additional information is certainly necessary to place his comment on national security in context.

Second, you note that "related material" may also be included in the report. It would be helpful if you would provide additional detail on what related material may be included so that we may have the opportunity to provide any further comments.

We appreciate that you have a deadline for your Report, and we know you are working hard to complete your work. We thank you for your courtesy and fairness in allowing comment and hope you will continue to share any proposed language with us that you plan to cite from Judge Mukasey's interview so that we can appropriately comment in advance and avoid misunderstandings down the road.

Thank you again for your assistance in this matter.

Sincerely yours,

  
Andrew J. Ceresney